

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-40 and 43-45 are presently pending in this application. Claims 41 and 42 have been canceled without prejudice or disclaimer, Claims 23 and 33 have been amended to clarify respective dependencies, and Claims 43-45 have been added by the present amendment. New Claims 43-45 find support in Claims 38-40, for example. No new matter has been added.

In the outstanding Office Action, Claims 23 and 33 were objected to under 37 C.F.R. § 1.75(c) as being in improper form; Claims 1-3, 9, 10 and 38-42 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 21-30 of copending Application No. 10/812,884; Claims 41 and 42 were rejected under 35 U.S.C. § 102(b) as anticipated by Vo-Dinh et al. (U.S. Patent 6,212,421, herein "Vo-Dinh"); and Claims 4-8, 11-22, 24-32 and 34-37 were objected to as dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the early indication of allowable subject matter in Claims 4-8, 11-22, 24-32 and 34-37.

Further, Applicants submit that the reference AO cited in the Form PTO 1449 filed on November 10, 2004 does not appear to have been acknowledged as considered. Accordingly, Applicants respectfully request that the reference AO be acknowledged as considered.

In response to the objection to Claims 23 and 33 under 37 C.F.R. § 1.75(c) for being in improper multiple dependent form, Claims 23 and 33 have been amended to clarify

respective dependencies. Specifically, Claim 23 has been amended to depend from Claim 13, and Claim 33 has been amended to depend from Claim 10. Accordingly, it is respectfully requested that the objection to Claims 23 and 33 be withdrawn.

In response to the above-noted double patenting rejection, that rejection is obviated by the present response as submitted with the present response is a Terminal Disclaimer over Application No. 10/812,884. The submission of that Terminal Disclaimer is believed to obviate the above-noted double patenting rejection, and Claims 1-3, 9, 10 and 38-40 should be allowed.


In response to the rejection of Claims 41 and 42 under 35 U.S.C. § 102(b), Claims 41 and 42 have been canceled without prejudice or disclaimer by this amendment, thereby obviating the rejection of Claims 41 and 42 under 35 U.S.C. § 102(b).

Finally, new Claims 43-45 have been submitted herewith. Claims 43-45 recite subject matter substantially similar to Claims 38-40 in non-means-plus-function terminology. Accordingly, it is respectfully submitted that Claims 43-45 should be allowed as well.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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